

### REMARKS

Claims 1-25 are pending. The Examiner is respectfully requested to reconsider and withdraw the objections and rejections in view of the amendments and remarks herein.

#### Specification

The Examiner has objected to the specification noting that the serial number of the related, co-pending U.S. patent applications are missing. The specification has been amended herein to include the serial numbers of the related, co-pending patent applications. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

#### Rejections Under 35 U.S.C. §102(e)

Claims 1, 3 and 7-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,113,619 to Matama ("Matama"). This rejection is respectfully traversed.

Claim 1, as amended herein, includes the features of the signal processing logic being further configured to perform a comparison of the data gathered by the second device to data representing a modeled bound document and a region between the surface of the modeled bound document and the first camera, and configured to determine the quality of the image captured by the first camera based at least in part on the results of the comparison. Similarly, claim 10 has been amended herein to include the features of the processing including comparing the data collected to data representing a modeled bound document and a region between the surface of the modeled bound document and the camera, and determining the quality of the image captured by the camera based at least in part on the results of the comparing. As discussed in further detail below, Matama fails to disclose at least these features of claims 1 and 10.

When applying a reference under 35 U.S.C. §102, it is well established that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."<sup>1</sup> Further, "[t]he identical invention must be

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

shown in as complete detail as is contained in the ... claim."<sup>2</sup> As discussed in further detail below, Matama fails to set forth each and every element of either of claims 1 and 10. Consequently, Matama fails to show the identical system and method in as complete detail as is contained in claims 1 and 10, respectively.

Matama describes an image reading method that detects a foreign matter (e.g., dust, dirt, grime) or a scratch (e.g., abrasion or cut on an image recording medium and/or in an image reading optical path) to prevent the foreign matter or the scratch from being transferred onto a print image (see, for example, Abstract, and col. 3, lines 37-53). More specifically, an image is read on an image recording medium by a visible light by scanning a specified detecting light in a one-dimensional direction using an optical path of the visible light. At least one of a foreign matter and a scratch in the optical path of the visible light is detected based on continuity of change of light quantity data of the thus read specified detecting light in the one-dimensional direction (see col. 3, lines 54-65). Accordingly, Matama determines the presence of matter and/or scratches in the optical path based on the continuity of change of light quantity data. Matama, however, does not describe comparing the data collected to data representing a model of a bound document and a region between the surface of the modeled bound document and the camera and determining the quality of the image captured by the camera based at least in part on the results of the comparing.

In view of the foregoing, Matama fails to set forth each and every element of either of claims 1 and 10, and fails to show the identical system and method in as complete detail as is contained in claims 1 and 10, respectively. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 3, 7-9 and 11-13 ultimately depends from one of claims 1 and 10, which define over the asserted reference, as discussed in detail above. Consequently, each of claims 3, 7-9 and 11-13 also define over the asserted reference for at least the same reasons, and reconsideration and withdrawal of the rejections are respectfully requested.

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<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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*Allowable Subject Matter*

Applicants thank the Examiner for recognizing the allowable subject matter of claims 2, 4-6, 14-16 and 17-25. Applicants have presently refrained from rewriting any of claims 2, 4-6 and 14-16 in view of the amendments and remarks herein.

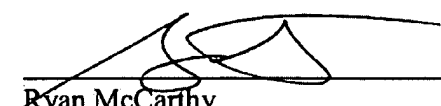
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Applicants have co-filed herewith a Petition to Revive under 37 CFR §1.137(b). All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 16113-1306001.

Respectfully submitted,

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